

STUDENT DISCIPLINARY REGULATIONS 2020/21

1. GENERAL PROVISIONS

- 1.1 Edge Hill University exists primarily to provide higher education, support continuing professional development and to carry out research. We aim to provide an environment, which is supportive to you, and to enable your academic achievement and the social well-being of our whole community and those who come into contact with the University and its student population.
- 1.2 The Student Disciplinary Regulations ('the Regulations') are derived from our responsibility to maintain student discipline so that you and all staff can go about your intended activities. They are designed to assist us in fulfilling our duty of care and responsibility to members of our community and to defend our good name and reputation.
- 1.3 The purpose of the Regulations is to ensure that you are fully aware of what is expected of you and that you maintain a standard of conduct both on campus and off campus which does not:
 - 1.3.1 cause actual or potential distress or harm to others;
 - 1.3.2 cause actual or potential damage to the property of the University or others;
 - 1.3.3 disrupt the normal functioning or operation of the University; or
 - 1.3.4 impede or interfere with the pursuance of work or study of those working or studying at the University.
- 1.4 You should ensure that you are aware of all provisions affecting you which are also contained elsewhere, for example in the Student Charter and other Regulations of the University, and in such other codes of practice, policies, handbooks and similar documents which you will have been provided with or directed to by the University.
- 1.5 Advice and support is available to you through our student support services and your independent Students' Union Advice Centre.
- 1.6 We will send all communications that are referred to in this document to your University email address.
- 1.7 The following may nominate another to undertake their role under the Regulations:
 - (a) Vice Chancellor may nominate a Deputy Vice Chancellor or Pro Vice Chancellor;
 - (b) Pro Vice Chancellor may nominate another member of the Directorate Management Group of the University;
 - (c) Director of Student Services may nominate another member of staff of the University;
 - (d) The Academic Registrar may nominate another member of staff of the University; and
 - (e) The Head of Accommodation may nominate another member of staff of the University.

- 1.8 Any person involved in the investigation or determination of a disciplinary case shall declare any matter, which raises or may raise a conflict with their duties under these Regulations.
- 1.9 A suspension means that you are prohibited from participating in your academic activities with us and your registration on your course of studies is put on hold and that you are prohibited from using University facilities and/or entering University grounds or premises. A partial or qualified suspension may be put in place where appropriate.
- 1.10 If you permanently withdraw from the University during the disciplinary process, we may continue to pursue disciplinary action and impose a sanction on you.
- 1.11 If you withdraw from the University during the disciplinary process and later return, we may continue to pursue the disciplinary action and impose a sanction on you.
- 1.12 These Regulations does not apply to incidents of alleged academic malpractice. The Academic Regulations apply to any such incidents.
- 1.13 Where you are registered for a programme, which is subject to a Fitness to Practice procedure, we may apply the Fitness to Practice procedure when investigating and dealing with allegations in relation to you.
- 1.14 Where an investigation identifies that alleged misconduct may be as a result of ill health, we may decide to apply the Fitness to Study Procedure instead of, or as well as, these Regulations.
- 1.15 Amendments or additions to these Regulations shall (unless otherwise stipulated) be of immediate effect.

2. **REPORTING AN INCIDENT**

- 2.1 Where someone observes or is informed of conduct by a student, which may constitute disciplinary misconduct ('the Incident'), that person (or someone acting on that person's behalf), shall report such conduct to the Campus Life Team.
- 2.2 Incidents that occur outside the University or via a non-University mechanism (such as social media) may also be dealt with under these Regulations.
- 2.3 The Campus Life Team may check University records in order to ascertain whether the student has committed any previous acts of disciplinary misconduct and may provide that information to those involved in the disciplinary process, if appropriate. The information may not be relied upon as evidence that the student has committed the alleged act of misconduct currently being considered under these Regulations, but it may be taken into account when considering whether it is necessary to impose precautionary action, when considering which disciplinary route to follow and when considering sanctions.

3. **PRECAUTIONARY ACTION**

- 3.1 The Director of Student Services may impose immediate conditions on the student to ensure that a full and proper investigation can be carried out and/or to safeguard the student or others whilst the Incident is being considered under these Regulations and/or during a Police investigation. For example, a student may be required not to contact certain witnesses to the Incident or abide by curfew conditions as to when they can attend campus and where on campus they are permitted to go. Those conditions will not include the suspension of a student that are dealt with separately at Clause 3.3.
- 3.2 A decision by the Director of Student Services to impose conditions on the student together with the reasons for the decision will be communicated to the student in writing as soon as reasonably practicable ("Conditions Notice"). The student will be given an opportunity to make representations to the Director of Student Services about the imposition of conditions within 10 working days of the date of the Conditions Notice and the student may request that the Director of Student Services review the conditions at any stage if there is a material change in the circumstances of the case. Representations and requests relating to the imposition of conditions must be sent in writing to the Director of Student Services who will review the conditions and either maintain the conditions, change the conditions or remove the conditions. The Director of Student Services will inform the student in writing of the outcome of any review together with the reasons for their decision within 10 working days of the decision being made.
- 3.3 If the nature of the Incident suggests that there may be a risk to the health, safety or well-being of the student or others, or if a student fails to abide by conditions that are imposed by the Director of Student Services under paragraph 3.1, the Pro Vice Chancellor may suspend the student for a specific period of time or until the conclusion of criminal proceedings (if applicable) or until the conclusion of disciplinary proceedings.
- 3.4 The imposition of conditions and/or a suspension at this stage are precautionary in nature, they are not a penalty and do not indicate that a conclusion has already been made that the student has committed a disciplinary offence.
- 3.5 The student will be informed of the decision by the Pro Vice Chancellor to impose suspension (and any other conditions) together with the reasons for the decision in writing and notified of the right to make representations as soon as reasonably practicable ("Preliminary Suspension Notice"). The student may submit representations to the Pro Vice Chancellor within 10 working days of the date of the Preliminary Suspension Notice and the Pro Vice Chancellor will review their decision taking the written representations into account. The student will be informed of the outcome of the review in writing as soon as possible. If the Pro Vice Chancellor decides to continue with or impose any new suspension as a precautionary action following the review of the representations, the student will be provided with a Precautionary Suspension Notice.
- 3.6 Once the student has made representations to the Pro Vice Chancellor and received a decision and a Precautionary Suspension Notice, the student may then appeal in writing against the Pro Vice Chancellor's decision to suspend them as a precautionary action by writing to the Director of Student Services within 10 working days of the date of the

Suspension Notice setting out the reasons for the appeal. The student may not appeal if they have received a Preliminary Suspension Notice but have failed to submit representations to the Pro Vice Chancellor in accordance with paragraph 3.5 above.

- 3.7 The Vice Chancellor shall consider the written appeal and shall either:
 - (a) uphold the Pro Vice Chancellor's decision;
 - (b) change the scope of the precautionary suspension (the scope may be increased or decreased); or
 - (c) remove the precautionary suspension.
- 3.8 The Vice Chancellor will inform the student in writing of their decision together with the reasons for that decision within 10 working days of reviewing the written appeal submission.
- 3.9 The precautionary suspension will be reviewed at regular intervals as determined by the Pro Vice Chancellor.
- 3.10 The student may request that the Pro Vice Chancellor review the precautionary suspension at any stage if there is a material change in circumstances. Such a request must be sent in writing to the Director Student Services. The request will be provided to the Pro Vice Chancellor who will review the precautionary suspension.
- 3.11 At each review, the Pro Vice Chancellor may:
 - 3.11.1 maintain the precautionary suspension;
 - 3.11.2 change the scope of the precautionary suspension (the scope may be increased or decreased); or
 - 3.11.3 remove the precautionary suspension.
- 3.12 The Appeal process at 3.6 is not available for reviews made under 3.11.

4. INITIAL INVESTIGATION AND CHOICE OF DISCIPLINARY ROUTE

- 4.1 On receipt of a report of an Incident, the Campus Life Team shall appoint a person to investigate the Incident ('the Investigating Officer').
- 4.2 The Investigating Officer may make whatever initial enquiries they believe to be necessary and will produce a record setting out details of the Incident and a summary of the information gathered in response to the enquiries made.
- 4.3 If the Investigating Officer decides that further action is required, the Investigating Officer shall decide in consultation with the Head of Accommodation, which disciplinary route shall be followed.
- 4.4 If the Investigating Officer determines, in consultation with the Head of Accommodation, that no further action is required then the incident will be recorded and logged on the Incident Database but no further disciplinary steps will be taken.
- 4.5 The Investigating Officer will provide the following information to the student in writing usually within 10 working days of completing their initial enquiries ("Letter of Notification"):

- 4.5.1 details of the Incident, notification of the allegations being considered and a summary of the information gathered by the Investigating Officer;
- 4.5.2 notification of which disciplinary route is to be taken; and
- 4.5.3 details of the next steps.

4.6 Where the Investigating Officer is unable to provide all of the above information, for example, because of the nature of further enquiries, the Investigating Officer will provide the student with the information that is available and then provide further information when it becomes available.

4.7 The student will be notified in writing as soon as reasonably practicable if there is any variation of the allegation/s at any stage.

5. **DISCIPLINARY ROUTE A**

5.1 **Examples of misconduct considered under this route**

5.1.1 The circumstances and context of each case will be taken into account when determining which disciplinary route will be taken. The following list provides examples of Incidents that may be considered under the Disciplinary Route A. The list is illustrative and is not exhaustive:-

- (a) use of inappropriate language;
- (b) failure to comply with rules or regulations; for example, causing a disturbance in a lecture or smoking in non-designated areas;
- (c) possession of controlled drugs;
- (d) refusal to respond to a reasonable request by relevant University staff; for example refusing to confirm identity when requested;
- (e) causing distress to others through excessive and unacceptable levels of noise;
- (f) causing minor damage to property;
- (g) behaviour that has or has the potential to cause damage to the reputation of the University; and/or
- (h) Breach of Fire Safety Regulations.

5.2 **Procedure**

5.2.1 The Investigating Officer will invite the student to either admit the alleged misconduct (and make any representations about the action that the University should take) or to deny the alleged misconduct.

5.2.2 The student will be given an opportunity to provide any evidence in support of their case or any evidence in relation to mitigating circumstances in writing within 10 working days of the Letter of Notification.

5.2.3 The student will be given an opportunity to meet with the Investigating Officer. The student may be accompanied by another student or an advisor from the Students' Union but the student is expected to make their own representations.

5.2.4 The student may be required to attend a meeting with the Investigating Officer. The

student may be accompanied by another student or an advisor from the Students' Union but the student is expected to make their own representations. Where a student is required to attend a meeting then the student will be given 10 working days' notice of the meeting date.

- 5.2.5 If the alleged misconduct is admitted in full by the student, the Investigating Officer will determine whether it is appropriate to impose a sanction/s on the student and, if so, decide which sanction/s should be imposed.
- 5.2.6 If the alleged misconduct is not admitted by the student, the Investigating Officer will decide if there is sufficient evidence to establish on the balance of probabilities (it is more likely than not) that misconduct has occurred and will determine whether it is appropriate to impose a sanction/s on the student and, if so, decide which sanction/s should be imposed.
- 5.2.7 The student will be notified in writing of the Investigating Officer's decision and details of any sanctions being imposed together with the reasons for the decision and of the right to appeal that decision within 10 working days of the decision being made ("Outcome Letter").
- 5.2.8 The Investigating Officer may at any stage decide that the Incident should follow Disciplinary Route B. In such circumstances, they will stop this disciplinary route and the case will then follow Disciplinary Route B. The student will be notified in writing as soon as reasonably practicable by the Investigating Officer of any change in the disciplinary route.
- 5.2.9 The Investigating Officer has discretion to vary the procedure set out above if they decide that it is fair to do so.

5.3 **Sanctions**

- 5.3.1 The circumstances and context of each case will be taken into account when determining whether a sanction/s should be imposed and if so, which sanction/s should be imposed and, where relevant, the timeframe for compliance. The following list provides examples of sanctions that may be imposed by the Investigating Officer under this Disciplinary Route A. The list is illustrative and is not exhaustive:-
 - (a) the provision of a caution;
 - (b) the provision of a formal written warning to the student setting out the consequences of any further acts of misconduct;
 - (c) the payment of a fine not exceeding £250¹;
 - (d) a requirement for the student to make good, at their expense, in whole or part, any damage caused by them whether alone or with others;
 - (e) a written apology to any person or persons affected by the Incident;
 - (f) compulsory attendance at an appropriate workshop, course and/or one to one sessions;

¹ Fines paid by students under these regulations are used to support students through the Student Support Fund.

- (g) a requirement for the student to undertake a specified number of hours of service for the benefit of the complainant, the University or the local community;
- (h) an extension of a previous sanction;
- (i) termination of the student's Residential Contract;
- (j) relocation of the student to another room on campus;
- (k) inclusion on the Do Not House List; and/or
- (l) a decision to take no further action in respect of the act of misconduct.

5.3.2 The Investigating Officer may take previous acts of misconduct by the student into account when determining which sanction is most appropriate.

5.4 **Appeal**

5.4.1 The following are the only grounds of appeal which will be considered:

- (a) that there was a material procedural irregularity which may have affected the outcome;
- (b) that there is evidence which was not considered by the Investigating Officer which may have affected the outcome and which the student could not reasonably have been expected to have submitted at the time; or
- (c) that the decision is not one which, given the evidence, could be reasonably sustained.

5.4.2 If the student wishes to appeal the decision of the Investigating Officer, they must notify the Head of Accommodation in writing within 10 working days of the date of the Outcome Letter completing the Disciplinary Appeal Form that sets out the grounds for appeal.

5.4.3 The Head of Accommodation will review the student's grounds for appeal and decide if it has a real prospect of success or if there is some other compelling reason why the appeal should be considered.

5.4.4 The Head of Accommodation will contact the student and confirm whether the appeal will proceed or whether it will not progress. For non-progression, the reasons for the decision will be set out by the Head of Accommodation.

5.4.5 If the appeal progresses the Investigating Officer shall be provided with a copy of the student's appeal and given an opportunity to respond (which may include the provision of documents). A copy of the Investigating Officer's response (if any) will be provided to the student by the Head of Accommodation.

5.4.6 The student's written appeal and the Investigating Officer's response (if any) will be considered by the Head of Accommodation and their decision will be based upon the papers. The Head of Accommodation may:

- (a) uphold the decision of the Investigating Officer; or
- (b) set aside the decision of the Investigating Officer and substitute their own decision.

The Head of Accommodation has the discretion to make a decision and / or impose a

sanction that is more or less serious than that imposed by the Investigating Officer. The Head of Accommodation's decision is final.

- 5.4.7 The student will be notified in writing of the Head of Accommodation's decision together with the reasons for their decision within 10 working days of the decision being made.

6. DISCIPLINARY ROUTE B

6.1 Examples of misconduct referred to Disciplinary Route B

- 6.1.1 The circumstances and context of each case will be taken into account when determining which disciplinary route will be taken. The following list provides examples of Incidents that may be classified as misconduct that may follow this Route. The list is illustrative and is not exhaustive:-

- (a) causing significant damage to property or inappropriate use of University facilities such as IT;
- (b) physical misconduct including physical violence;
- (c) sexual misconduct including indecent behaviour, sexual harassment and sexual violence;
- (d) threatening, offensive, indecent, intimidating, bullying, harassing, abusive conduct, or conduct otherwise detrimental to the wellbeing of others;
- (e) threatening, offensive, indecent, intimidating, bullying, harassing, abusive conduct or conduct otherwise detrimental to the wellbeing of any person, where such conduct is detrimental to the good order of the University;
- (f) conduct of a kind which contravenes the principles set out in the University's health and safety and wellbeing policies, including showing disregard for one's own health and safety, disregard for the health and safety of others or misusing or interfering with facilities that have a health and safety purpose
- (g) conduct causing significant injury to the academic or administrative activities of the University; for example, disruption of teaching, of research, of examinations, of the working of staff or other campus services;
- (h) behaviour that would compromise the integrity of the University's activities by offering, promising, giving, receiving or soliciting a financial, academic or other advantage or favour as a means to influencing the actions of others, or otherwise securing a particular end;
- (i) conduct which causes a nuisance (whether or not causing damage) and is detrimental to the good order or reputation of the University; for example unreasonable or inappropriate behaviour when acting as a member of a club or society, unreasonable or inappropriate behaviour when participating in a field trip;
- j) theft, fraud or deliberate falsification or misuse of records, including Degree, Diploma, or Certificate parchments;
- (k) false pretenses or impersonation of others in connection with academic attainments or financial awards;
- (l) failure to disclose a criminal conviction when required to do so by the University or course accrediting body or regulator; for example, at application stage;

- (m) conduct of a kind which may lead to or has led to conviction under the criminal law;
- (n) possession or supply of controlled drugs;
- (o) multiple or repeated incidents of minor misconduct;
- (p) malicious or vexatious allegations against another student or staff;
- (q) behavior that has or could cause serious damage to the reputation of the University; and/or
- (r) persistent refusal to comply with a sanction imposed in relation to an act of misconduct.

6.2 Procedure

- 6.2.1 Where the Investigating Officer decides that the case should be dealt with under Disciplinary Route B, the Investigating Officer shall notify the Head of Accommodation.
- 6.2.2 The Head of Accommodation shall examine the evidence obtained by the Investigating Officer and may request that further enquiries be made by the Investigating Officer prior to sending the Letter of Notification.
- 6.2.3 The student will be given an opportunity to provide any evidence in support of their case or any evidence in relation to mitigating circumstances in writing within 10 working days of the Letter of Notification being sent.
- 6.2.4 The Investigating Officer will invite the student to either admit the alleged misconduct (and make any representations about the action that the University should take) or to deny the alleged misconduct.
- 6.2.5 The student will be given an opportunity to meet with the Investigating Officer to put forward their case. The student may be accompanied by another student or an advisor from the Students' Union but the student is expected to make their own representations.
- 6.2.6 The student may be required to attend a meeting with the Investigating Officer. The student may be accompanied by another student or an advisor from the Students' Union but the student is expected to make their own representations. Where a student is required to attend a meeting then the student will be given 10 working days' notice of the meeting date
- 6.2.7 The student will be notified in writing as soon as reasonably practicable if there is any variation of the allegation/s at any stage.
- 6.2.8 The Investigating Officer will consult with the Head of Accommodation and may decide that no further action is required.
- 6.2.9 If the alleged misconduct is admitted in full by the student, the Head of Accommodation will determine whether it is appropriate to impose a sanction/s on the student and, if so, decide which sanction/s should be imposed.
- 6.2.10 If the alleged misconduct is not admitted by the student, the Head of Accommodation will decide if there is sufficient evidence to establish on the balance of probabilities (it is more likely than not) that misconduct has occurred and will determine whether it is

appropriate to impose a sanction/s on the student and, if so, decide which sanction/s should be imposed.

- 6.2.11 The student will be notified in writing of the Head of Accommodation's decision and details of any sanctions being imposed together with the reasons for the decision and of the right to appeal that decision within 10 working days of the decision being made ("Outcome Letter").
- 6.2.12 The Head of Accommodation may decide at any point that the matter should be dealt with through Disciplinary Route A. The matter will then be determined by the Investigating Officer. The student will be notified of any change in the disciplinary route as soon as reasonably practicable.
- 6.2.13 The Head of Accommodation, after receiving all of the information on the matter from the Investigating Officer, may decide in consultation with the Director of Student Services that the matter needs to be referred to the Student Disciplinary Panel, in which case the student will be provided with details of the next steps.
- 6.2.14 The Investigating Officer has discretion to vary the procedure set out above if they decide that it is fair to do so.

6.3 Sanctions

- 6.3.1 The circumstances and context of each case will be taken into account when determining whether a sanction/s should be imposed and if so, which sanction/s should be imposed and, where relevant, the timeframe for compliance. The following list provides examples of sanctions that may be imposed. The list is illustrative and is not exhaustive.
 - (a) the provision of a formal written warning to the student setting out the consequences of any further acts of misconduct;
 - (b) the payment of a fine; such a fine will not normally exceed £1,000²;
 - (c) a requirement for the student to make good, at his/her expense, in whole or part, any damage to property caused by him or her whether alone or with others;
 - (d) a written apology to any person or persons affected by the incident;
 - (e) compulsory attendance at an appropriate workshop, course and/or counselling session;
 - (f) a requirement for the students to undertake a specified number of hours of service for the benefit of the complainant, the University or the local community;
 - (g) termination of the student's Residential Contract;
 - (h) relocation of student to a different room on campus;
 - (i) imposition of a curfew or the prohibition of a student from attendance at a specified place for a specified time;
 - (j) Inclusion of the student's details on the Do Not House List; and/or
 - (k) a decision to take no further action in respect of the act of misconduct.

² Fines paid by students under these regulations are used to support students through the Student Support Fund.

- 6.3.2 The Head of Accommodation may take previous acts of misconduct by the student into account when determining which sanction is most appropriate.

6.4 Appeal

- 6.4.1 The following are the only grounds of appeal which will be considered:
- (a) that there was a material procedural irregularity which may have affected the outcome;
 - (b) that there is evidence which was not considered by the Investigating Officer which may have affected the outcome and which the student could not reasonably have been expected to have submitted at the time; or
 - (c) that the decision is not one which, given the evidence, could be reasonably sustained.
- 6.4.2 If the student wishes to appeal the sanction imposed by the Head of Accommodation they must notify the Director of Student Services in writing within 10 working days of the date of the Outcome Letter completing the Disciplinary Appeal Form that sets out the grounds for appeal.
- 6.4.3 The Director of Student Services will review the student's grounds for appeal and decide if it has a real prospect of success or if there is some other compelling reason why the appeal should be considered.
- 6.4.4 The Director of Student Services will contact the student and confirm whether the appeal will proceed or whether it will not progress. For non-progression, the reasons for the decision will be set out by the Director of Student Services.
- 6.4.5 Should the appeal progress, the Investigating Officer shall be provided with a copy of the student's appeal and given an opportunity to respond (which may include the provision of documents). A copy of the Investigating Officer's response (if any) will be provided to the student by the Director of Student Services.
- 6.4.6 The student's written appeal and the Investigating Officer's response (if any) will be considered by the Director of Student Services and their decision will be based upon the papers. The Director of Student Services may:
- (a) uphold the decision of the Head of Accommodation; or
 - (b) set aside the decision of the Head of Accommodation and substitute their own decision.
- 6.4.7 The Director of Student Services has the discretion to make a decision and / or impose a sanction that is more or less serious than that imposed by the Head of Accommodation. The Director of Student Services' decision is final.
- 6.4.8 The student will be notified in writing of the Director of Student Services' decision together with the reasons for their decision within 10 working days of the decision being made

6.5 Student Disciplinary Panel

- 6.5.1 Under Clause 6.2.13 of Disciplinary Route B, The Head of Accommodation after receiving all of the information on the matter from the Investigating Officer may decide, in consultation with the Director of Student Services that the matter needs to be referred to the Student Disciplinary Panel, in which case the student will be provided with details of the next steps.
- 6.5.2 The Student Disciplinary Panel shall consist of one member from each of the following three groups who has not previously been involved in the disciplinary process:
- (a) a senior manager of the University staff (as Chair);
 - (b) one senior member of academic staff; and
 - (c) an elected full-time officer of the Students' Union (nominated by the President of the Students' Union).
- 6.5.3 The Academic Registrar will appoint a person to act as secretary to the Student Disciplinary Panel ('the Secretary'). The Secretary will make arrangements for attendance of the participants of the hearing and will make a note of the hearing.
- 6.5.4 The Student Disciplinary Panel shall be convened and the student shall be notified in writing of the arrangements for the Panel hearing not less than 10 working days before the date of the hearing. The Student Disciplinary Panel shall meet within 28 days of referral or as soon as is reasonably practicable.
- 6.5.5 The University will endeavor to take account of a student's personal circumstances in fixing a date and time for the Student Disciplinary Panel hearing. However, a student will be expected to make themselves available to attend the hearing on any day and at any time at which they might reasonably have been expected to be in attendance at the University.
- 6.5.6 The Student Disciplinary Panel may proceed with the hearing and make a determination in the absence of the student if it is satisfied that the student has been properly notified of the date and time of the hearing or in cases where criminal proceedings against the student do not allow the student to attend in person.
- 6.5.7 The Academic Registrar will appoint a person to present the case on behalf of the University (the "Presenting Officer"). If appropriate, the Investigating Officer or the Head of Accommodation may be appointed to act as the Presenting Officer. The Presenting Officer may make whatever further enquiries they believe to be necessary.
- 6.5.8 The student may be accompanied by another student, a member of staff, a member of their family or an advisor from the Students' Union but the student is expected to make their own representations. The student must inform the Academic Registrar of the identity of any such person not less than 5 working days before the hearing.
- 6.5.9 Not less than 5 working days before the hearing, the student shall be provided by the Secretary with a copy of all documentation that the Presenting Officer intends to rely upon at the hearing and shall be informed of the name of any witnesses that the Presenting Officer has arranged to give evidence at the hearing.

- 6.5.10 Not less than 5 working days before the hearing, the student shall provide the Secretary with a copy of all documentation that they intend to rely upon at the hearing and shall inform the Secretary of the name of any witnesses that they have arranged to give evidence at the hearing. The student is responsible for contacting any witnesses they wish to give evidence on their behalf and for making arrangements for those witnesses to attend the hearing.
- 6.5.11 Where the Chair deems that there are special circumstances which require shorter or longer timescales, the Chair may vary the timescale and explain the reasons for the variation to the student and the Presenting Officer in writing as soon as reasonably practicable.
- 6.5.12 Neither the University nor the student may compel or put a witness under duress to provide a statement or attend the hearing.
- 6.5.13 The Student Disciplinary Panel may identify witnesses that it would like to hear from and/or documentation that it would like to see. If the Presenter and/or student have not arranged for those witnesses to attend the hearing and/or provided the required documentation then the Student Disciplinary Panel may ask one or both of the parties to provide certain information and/or evidence or may seek to obtain that information and/or evidence itself. Any additional information or evidence obtained by the Student Disciplinary Panel shall be disclosed to the student and the Presenting Officer as soon as reasonably practicable.
- 6.5.14 The Chair of the Student Disciplinary Panel has the discretion to adjourn, postpone or halt a hearing.
- 6.5.15 The hearing shall be held in private.
- 6.5.16 The hearing will usually proceed as follows:
- (a) The Student Disciplinary Panel and Secretary will meet without either party being present to discuss matters of process.
 - (b) The student and Presenting Officer will join the hearing.
 - (c) The Presenting Officer will outline the University's case. The student and the Student Disciplinary Panel will be given an opportunity to ask the Presenting Officer questions.
 - (d) The student will respond to the University's case. The Presenting Officer and the Student Disciplinary Panel will be given an opportunity to ask the student questions.
 - (e) The Presenting Officer will be asked to call any witnesses that the University wishes to rely upon and may ask each witness questions. The student and the Student Disciplinary Panel will be given an opportunity to ask each witness questions.
 - (f) The student will be asked to call any witnesses that they wish to rely upon and may ask each witness questions. The Presenting Officer and the Student Disciplinary Panel will be given an opportunity to ask each witness questions.

- (g) Both parties and all witnesses shall withdraw whilst the Student Disciplinary Panel considers the evidence.
- (h) Both parties will be invited to return to respond to any final questions from the Student Disciplinary Panel, then the Presenting Officer will be invited to make a closing statement and the student will be invited to make a closing statement.
- (i) The Student Disciplinary Panel will decide if there is sufficient evidence to establish on the balance of probabilities (it is more likely than not) that misconduct occurred and will determine whether it is appropriate to impose a sanction/s on the student and, if so, decide which sanction/s should be imposed.
- (j) Decisions of the Student Disciplinary Panel shall be reached by a simple majority vote of the members.
- (k) The student will be notified in writing of the Student Disciplinary Panel's decision and details of any sanctions being imposed together with the reasons for the decision and of the right to appeal within 10 working days of the hearing ("Outcome Letter").

6.5.17 The Chair of the Student Disciplinary Panel has discretion to determine how the hearing shall be conducted and so the procedure set out above may be varied if they decide that it is fair to do so. Any individual involved in the process may request a variation of the procedure by writing to the Chair setting out the variation sought and the reasons why the variation is required. The Chair will decide whether any such variation will be permitted and provide a written response as soon as practicable.

6.6 Sanctions

6.6.1 The circumstances and context of each case will be taken into account when determining whether a sanction/s should be imposed and if so, which sanction/s should be imposed and, where relevant, the timeframe for compliance. Examples of sanctions that may be imposed by the Student Disciplinary Panel for major misconduct are as follows (or the Student Disciplinary Panel may impose a sanction/s set out in paragraph 5.3 if it decides that the misconduct is minor). The list is illustrative and is not exhaustive:-

- (a) a recommendation to the Vice Chancellor or their nominee that they permanently exclude the student from the University;
- (b) a recommendation to the Vice Chancellor or their nominee that they exclude the student for a specified period of time from academic activities and/or their course of studies and/or from all or parts of the University facilities, grounds or premises;
- (c) the provision of a formal written warning to the student setting out the consequences of any further acts of misconduct;
- (d) the payment of a fine; such a fine will not normally exceed £1,000³;
- (e) a requirement for the student to make good, at their expense, in whole or part, any damage to property caused by him or her whether alone or with others;
- (f) a written apology to any person or persons affected by the Incident;
- (g) compulsory attendance at an appropriate workshop, course and/or one to one sessions;

³ Fines paid by students under these regulations are used to support students through the Student Support Fund.

- (h) requirement for the student to undertake a specified number of hours of service for the benefit of the complainant, the University or the local community;
 - (i) termination of the student's Residential Contract;
 - (j) inclusion of the student's details on the Do Not House List; and/or
 - (k) a decision to take no further action in respect of the act of misconduct.
- 6.6.2 The Student Disciplinary Panel may take previous acts of misconduct by the student into account when determining which sanction/s is most appropriate.
- 6.6.3 The Student Disciplinary Panel may determine, at its discretion, that a sanction may be suspended against the student's future good behaviour for a period to be determined by the Student Disciplinary Panel (the "Good Behaviour Period"). If no further misconduct is committed during the Good Behaviour Period, the suspended sanction will not be brought into effect. If there is further misconduct, the Student Disciplinary Panel may impose an additional sanction/s for the subsequent misconduct as well as deciding that the suspended sanction is brought into effect.
- 6.6.4 If the student fails to comply in whole or in part with any decision of the Student Disciplinary Panel, the non-compliance may be referred back to a Student Disciplinary Panel and may be treated as a further incident of misconduct. The Student Disciplinary Panel is entitled to change the sanction/s that had been imposed on the student in a further hearing.

6.7 Appeal

- 6.7.1 The following are the only grounds of appeal which will be considered:
- (a) that there was a material procedural irregularity which may have affected the outcome;
 - (b) that there is evidence which was not considered by the Student Disciplinary Panel which may have affected the outcome and which the student could not reasonably have been expected to have submitted at the time of the hearing; or
 - (c) that the decision is not one which, given the evidence, could be reasonably sustained.
- 6.7.2 If the student wishes to appeal the decision of the Student Disciplinary Panel they must notify the Academic Registrar in writing within 10 working days of the date of written notification of the Student Disciplinary Panel's decision completing the Disciplinary Appeal Form setting out the grounds for appeal.
- 6.7.3 A member of the Vice Chancellor's Directorate Group who has not had any previous involvement with the case will review the written appeal and decide if it has a real prospect of success or if there is some other compelling reason why the appeal should be considered. If the member of the Vice Chancellor's Directorate Group decides that the appeal has a real prospect of success or that there is some other compelling reason why the appeal should be considered then it can either;
- (a) be referred back to the original Student Disciplinary Panel when the only grounds of appeal are 'that there is evidence which was not considered by the Student Disciplinary Panel which may have affected the outcome and

which the student could not reasonably have been expected to have submitted at the time of the hearing' clause 6.7.1. (b); or

(b) be referred to a Student Disciplinary Appeal Committee.

- 6.7.4 If the member of Vice Chancellor's Directorate Group decides that the appeal has no real prospect of success or that there is no other compelling reason why the appeal should be considered then the decision of the Student Disciplinary Panel will stand.
- 6.7.5 The student shall be notified in writing of the decision together with the reasons for the decision within 10 working days of the decision being made.
- 6.7.6 The Student Disciplinary Appeal Committee shall consist of one member from each of the following three groups who has not previously been involved in the disciplinary process:
- (a) One member of Board of Governors (as Chair) who is not a staff or student Governor;
 - (b) The Deputy Vice Chancellor or a member of the Vice Chancellor's Directorate Group;
 - (c) A senior manager of the University staff; and
 - (d) An elected full-time officer of the Students' Union (nominated by the President of the Students' Union).
- 6.7.7 The Academic Registrar will appoint a person to act as secretary to the Student Disciplinary Appeal Committee ('the Appeals Secretary'). The Appeals Secretary will make a note of the meeting.
- 6.7.8 The Student Disciplinary Appeal Committee will meet within 28 days of the referral or as soon as is reasonably practicable.
- 6.7.9 The Chair of the original Disciplinary Panel will be provided with a copy of the student's appeal and given an opportunity to respond (which may include the provision of documents).
- 6.7.10 Not less than 10 working days before the meeting of the Student Disciplinary Appeal Committee, the student will be provided with a copy of all documentation that the Chair of the original Disciplinary Panel has submitted to the Student Disciplinary Appeal Committee.
- 6.7.11 Not less than 5 working days before the meeting of the Student Disciplinary Appeal Committee, the student will provide the Academic Registrar with a copy of any reply they wish to make to the information and documentation provided.
- 6.7.12 Where the Chair deems that there are special circumstances which require a shorter or longer timescale than those set out, the Chair may vary the timescales and explain the reasons for the variation to the student in writing as soon as reasonably practicable.

- 6.7.13 The Student Disciplinary Appeal Committee will usually carry out a review of the case based on the papers and will not re-hear the case. However, the Chair of the Student Disciplinary Appeal Committee has the discretion to re-hear the case if they decide that a re-hearing is appropriate. If so, the Chair will determine how the hearing shall be conducted.
- 6.7.14 Decisions of the Student Disciplinary Appeal Committee shall be reached by a simple majority vote of the members.
- 6.7.15 The Student Disciplinary Appeal Committee may:
- (a) confirm, set aside or vary any finding of misconduct by the Student Disciplinary Panel; and /or
 - (b) confirm, set aside, increase, decrease or vary any sanction/s imposed by the Student Disciplinary Panel.
- 6.7.16 The decision of the Student Disciplinary Appeal Committee together with the reasons for the decision will usually be communicated in writing to the student by the Student Disciplinary Appeal Committee within 10 working days of the decision being made.
- 6.7.17 The decision of the Student Disciplinary Appeal Committee shall be final and a Completion of Procedures Letter will be issued confirming to the student that the University's procedure has been completed.

7. CASES SUBJECT TO CRIMINAL INVESTIGATION

- 7.1 Where a criminal investigation is being undertaken in relation to an incident, the University may suspend the disciplinary process (at any stage) until the criminal investigation and any legal proceedings have been concluded.
- 7.2 A conviction in a criminal court will be taken as conclusive evidence that the offence has occurred and no further investigation of the facts will be required. The University may still take action under these Regulations and/or may refer the case to its Committee on Criminal Convictions.
- 7.3 Where a decision is taken by the police or Crown Prosecution Service not to pursue a criminal case against the student or where the student has been acquitted of a criminal offence, the University will consider the student's behaviour under these Regulations and may still take disciplinary action.

8. THE OFFICE OF THE INDEPENDENT ADJUDICATOR (OIA) FOR EDUCATION

- 8.1 Students who have exhausted the University's internal procedures will be issued with a Completion of Procedures Letter and informed that they may make a complaint to the OIA. The OIA's website (www.oiahe.org.uk) contains full details of the scheme and students should seek advice from the Students' Union Advice Centre.

